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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1460th MEETING

Held at Headquarters, New York,
on Wednesday, 24 July 1996, at 10 a.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 10.45 a.m.

QUESTION OF EAST TIMOR (A/AC.109/2049 and Corr.2)

Hearing of petitioners

1. At the invitation of the Chairman, Mr. Corregedor da Fonseca (Member of Parliament/Portuguese Communist Party) took a place at the petitioners' table.

2. Mr. CORREGEDOR da FONSECA (Member of Parliament/Portuguese Communist Party) said that it was clear to all countries that Portugal firmly intended, in accordance with the Charter of the United Nations, to decolonize East Timor, but that it had been prevented from doing so by the illegal and violent invasion of the territory by Indonesia. The situation created by Indonesia in East Timor was increasingly serious, and the Territory continued to be the scene of a series of human rights violations such as the Santa Cruz massacre, repeated imprisonments, acts of torture, and disappearances of Timorese citizens, mostly young people who were heroically resisting the invaders.

3. Indonesia continued to flout Security Council decisions, particularly regarding the withdrawal of its armed forces and the exercise by the Maubere people of the right to self-determination and independence. Indonesia's military annexation of East Timor had been illegal for more than 20 years, and the international community should compel that State once and for all to withdraw its armed forces from the Territory, to end the imprisonments, acts of torture and killings, to free all political prisoners, particularly Xanana Gusmão, and to comply with the Charter of the United Nations and the resolutions of the Security Council and the United Nations Commission on Human Rights. The common position of the European Union, set forth on 25 June, was particularly relevant. In its statement of position, the European Union had, inter alia, declared its intention to continue its efforts to contribute, through dialogue, to a just and internationally acceptable solution to the question of East Timor, respecting the legitimate interests and aspirations of the people of Timor, in accordance with international law. Numerous other European countries which were not members of the European Union had associated themselves with that common position.

4. He condemned the connivance of certain influential Governments which maintained a special relationship with the Indonesian Government for purely economic reasons, such as the sharing of the oil deposits in the Timor Sea or arms sales to Indonesia.

5. During the series of talks organized under the auspices of the Secretary-General of the United Nations, between the Ministers for Foreign Affairs of Portugal and Indonesia, the open-mindedness of Portugal had met with systematic refusals from Indonesia. The latter's inflexibility was preventing any real progress. Furthermore, Indonesia wished to put an end to the regular discussions among representatives of the Timorese people. Such an attitude reflected the insecurity of Indonesia, which was aware that the international diplomatic community disapproved of its position on the matter.

6. The Portuguese position on East Timor was a matter of consensus. Portugal favoured the withdrawal of the Indonesian invasion forces and the liberation of the heroic people of East Timor, who should be allowed to choose their destiny freely and exercise their right to self-determination and independence. The international community should play a decisive role, compelling Indonesia to comply with international norms and helping the Timorese people to defend their rights and their dignity.

7. Mr. Corregedor da Fonseca withdrew.

8. At the invitation of the Chairman, Mr. Abecassis (Member of Parliament/Portuguese Popular Party) took a place at the petitioners' table.

9. Mr. ABECASSIS (Member of Parliament/Portuguese Popular Party) said that all members of the Portuguese Parliament, irrespective of their political affiliation, were in agreement concerning the East Timor question. In the name of the victims of the genocide which had followed the Indonesian occupation of East Timor, the countless Timorese who had disappeared, all the young people of Timor who were opposing the invaders, the marginalized groups, and all those who had been prevented from taking part in the current discussion, he asked that the exercise of the right to self-determination of the East Timorese should be guaranteed, and that they should be given the freedom which had already cost them so much blood and suffering during the long years of relentless oppression. When an entire generation, born since the invasion, rose up to defend its faith and its homeland, it was the Committee's duty to make use of the powers conferred upon it to defend the suffering and those who had been robbed of their right to speak.

10. Mr. Abecassis withdrew.

11. At the invitation of the Chairman, Mr. Clark (International League for Human Rights) took a place at the petitioners' table.

12. Mr. CLARK (International League for Human Rights) said that the illegality of Indonesia's invasion of East Timor and its claim of annexation had been highlighted many times. All the violations of the human rights of the people of East Timor flowed from the denial of that most fundamental of rights, the raison d'être of the Committee, the right to self-determination.

13. In 1976, the General Assembly had rejected the claim that East Timor had been incorporated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence. The International League for Human Rights had also drawn attention to the legal obligation not to recognize Indonesia's unlawful acquisition of the Territory. The League wished to mention once again the Indonesian policy of resettling people from densely populated to sparsely populated parts of the archipelago. It was evident that Indonesia's goal was to prevent the people of East Timor from exercising their right to self-determination. That policy ran counter to important international legal instruments, particularly to paragraph 8 of the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in the annex to General Assembly resolution

35/118, and to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

14. The International Court of Justice had reaffirmed that East Timor was a Non-Self-Governing Territory and that its people should be allowed to exercise their right to self-determination. It followed that all Member States of the United Nations had an obligation to support the self-determination of the Timorese people.

15. East Timor was the largest remaining Non-Self-Governing Territory on the Special Committee's list. However, in recent years, the Committee had not adopted a substantive resolution on it. It was high time for a strong resolution from the Committee reiterating the right of the East Timorese to self-determination, and insisting upon the need to organize a United Nations-sponsored referendum enabling the Timorese people to achieve the effective realization of that right before its exercise was rendered meaningless by the population resettlement policy.

16. Mr. Clark withdrew.

17. At the invitation of the Chairman, Mr. Almeida (Member of the Provincial House of Representatives of East Timor) took a place at the petitioners' table.

18. Mr. ALMEIDA said that, as a member of the Provincial House of Representatives of East Timor, he wondered whether East Timor could still be considered a Non-Self-Governing Territory. He had been elected by the people of East Timor at the 1992 general election, the third general election, following those of 1982 and 1987, which had allowed the people of Timor to elect representatives from the three parties, the Golkar Functional Group, the People's Development United and the Indonesian Democratic Party, to represent them in the House of Representatives at the national, provincial and district levels. The next general election would be held in May 1997. There were 450,772 registered voters in East Timor. The people of Timor were actively determined to exercise their constitutional rights and responsibilities as Indonesians.

19. The Provincial House of Representatives played an important role in East Timor. It had favoured the development and protection of human rights and the environment. A branch office of the National Human Rights Commission, founded in Jakarta in 1993, had been opened at Dili in East Timor on 24 June 1996. That branch office would not only report all human rights violations but would also ensure the implementation of the National Action Plan on Human Rights. The Provincial House of Representatives had also played an active role in the preservation of Timorese culture. It had established an arts centre and a local museum in Dili. It had also succeeded in having the Tetun language included in the school curriculum.

20. In the light of those facts, it was clear that East Timor was no longer a Non-Self-Governing Territory. A province governed by a governor could no longer be considered a Non-Self-Governing Territory. It was difficult to understand why the Committee allowed itself to be influenced by the former colonial Power, which had carelessly left East Timor to chaos, strife and bloodshed. He asked

whether one could find credible the representatives of a country which claimed to be the administering Power of the Territory but which had done very little for it in the 450 years of occupation, or whether one could find credible those who had never even visited East Timor and who had done nothing for the welfare of the East Timorese but stir up trouble. Even if Portugal wished to speak on behalf of the East Timorese people, it was far too late and East Timor did not consider itself bound to the former colonial Power any longer.

21. Mr. Almeida withdrew.

22. At the invitation of the Chairman, Mr. Dos Reis (Marketing Director of the Provincial Development Bank of East Timor) took a place at the petitioners' table.

23. Mr. DOS REIS (Marketing Director of the Provincial Development Bank of East Timor) said it was undeniable that since the integration of East Timor with Indonesia considerable progress had been made in various sectors which had not been developed when the Territory had been under Portuguese rule. Thousands of kilometres of roads had now been asphalted, and the number of hospitals, clinics and medical and paramedical staff had been considerably increased. All children were enrolled in schools, there were many more primary and secondary schools than there had been prior to 1975 and four institutions of higher education had been established. Two consultants from Georgetown University (United States of America) were to teach at the University of East Timor in the academic year 1996/97, under a programme sponsored by the United States Agency for International Development.

24. As the twenty-seventh province of Indonesia, East Timor had its own administration, which employed thousands of people. Under the programme to address unemployment, the administration had recruited 2,000 people from among the local population. In fiscal year 1996/97, 2,000 more were to be recruited as teachers or paramedics, including 1,000 from East Timor. The Provincial Development Bank recruited an average of 50 Timorese every year to work at its branches in the province.

25. The agricultural sector had also been considerably developed, the manufacturing industry continued to diversify and various sanitation and development programmes had been implemented. The economy of East Timor was poised to become one of the most prosperous in South-East Asia, and the people of East Timor well understood, after four centuries of colonial rule, how to achieve their aspirations to development.

26. Portugal had always underestimated the capacity of the East Timorese people to improve the standard of living and achieve greater social justice. A proper balance had to be struck between rights and obligations in order to achieve development objectives. The right to development and the right to improve living standards were of great importance, but the obligation to maintain peace and order in East Timor was no less important. Peace and development were mutually interdependent and both should be pursued simultaneously.

27. Unfortunately, the former colonial Power and some individuals conveniently overlooked the concrete progress to which he had referred. The problems and

suffering that such an attitude caused were indeed regrettable. However, certain international institutions had recognized the realities in East Timor and chosen to take part in developing the Territory, rather than letting themselves be influenced by irrational political campaigns. The Asian Development Bank had funded some projects concerned with housing and public amenities, and the World Bank had financed the family planning programme and the construction of some infrastructure facilities.

28. He expressed the hope that the Committee would give support for the efforts to find a comprehensive solution to the question of East Timor and for the dialogue that was being conducted between Indonesia and Portugal under the auspices of the Secretary-General.

29. Mr. Dos Reis withdrew.

30. At the invitation of the Chairman, Mr. Panganiban (Asia-Pacific Coalition for East Timor) took a place at the petitioners' table.

31. Mr. PANGANIBAN (Asia-Pacific Coalition for East Timor) said that the military-backed Soeharto dictatorship continued to flout justice in East Timor. There had been a series of mass arrests, demonstrations and riots beginning in early 1995 and an endless deluge of asylum-seekers. Those events had been widely reported in the press.

32. Indonesian and Timorese human rights activists had shown overt solidarity for the first time. There had been demonstrations in support of East Timorese asylum-seekers in Jakarta, where some embassies had been occupied. To further divide the people, the Soeharto regime had exaggerated the so-called religious conflict in order to mask the real cause of the unrest in East Timor, which was the frustration and anger of the Maubere people over the illegal occupation of their country.

33. Indonesia had an obsession with the economic miracle in the region and was more than ever determined to ensure that world opinion remained apathetic about the murderous violence of its army and the wanton exploitation of East Timor's patrimony by Indonesia's industrial elite. It was assisted in that by the countries of Asia and their Western partners who preferred to disregard all obstacles to the establishment of a favourable climate for trade and investment. While the Asian and Pacific States, in strengthening their business cooperation, in conjunction with their security systems, had thrust their disagreements into the background, they had done so at the expense of the peoples of Non-Self-Governing Territories such as East Timor. The control exercised by Indonesia and Australia over that Territory's oil reserves was a case in point.

34. However, as already indicated, there were signs that the Indonesian population wanted to see the last of Soeharto and his clique.

35. The horrors and genocide taking place in East Timor were being exposed yet again at the United Nations. The purpose was not so much to protest at Indonesia's actions as to ask when the killing would stop. Until such time as the Organization had heeded the cries of the Maubere people and taken the

required action, the same litany of barbarous acts would be repeated year after year.

36. Human history showed that where there was tyranny, the oppressed never ceased to struggle against it. It was to be hoped that justice and righteousness would win the day in East Timor both for the Maubere people and for the Indonesian population as a whole.

37. Mr. BAPTISTA (Indonesia), speaking on a point of order, said that the speaker was straying from the subject.

38. Mr. Panganiban withdrew.

39. At the invitation of the Chairman, Ms. Einbinder (Free East Timor Japan Coalition) took a place at the petitioners' table.

40. Ms. EINBINDER (Free East Timor Japan Coalition) cited cases of rape, enforced prostitution and the use of Timorese women as "local wives" by the Indonesian occupying troops and recalled that sexual violence against women in areas of conflict or in territories under military occupation were among the subjects raised at the Fourth World Conference on Women held in Beijing the preceding year.

41. She recalled the strategies adopted by the Conference in its Platform for Action and made a number of recommendations to the Special Committee as the United Nations body the most directly concerned by the fate of women in territories that were in the process of being decolonized. The Special Committee had a duty to inform women in Non-Self-Governing Territories, in their own language, of the provisions of the Platform for Action, to investigate the violence and to bring those guilty to justice, and to take the necessary measures to protect women against such violence.

42. To that end the Special Committee should promote the work of the International Committee of the Red Cross in East Timor, particularly through the opening of offices in outlying regions, where women were especially vulnerable; support the recommendations of the United Nations High Commissioner for Human Rights that a human rights monitoring office be set up in Dili, particularly to handle cases of violence against women; recommend to the Indonesian Government that it allow missions by the Working Group on Arbitrary Detention and by the Working Group on Enforced or Involuntary Disappearances, and a further visit by the Special Rapporteur on torture (which had been requested by the Commission on Human Rights in a resolution adopted in 1993 on which action had not been taken); also recommend to the Indonesian Government that it ensure that the mandate and administration of the National Commission of Human Rights, an office of which had been established in Dili in early 1996, should be clearly defined and its independence and powers guaranteed and that, when such guarantees were in place, the National Commission should make its branch office responsible for investigating cases of violence against women; and encourage the Secretary-General and all the countries concerned with the question of East Timor to negotiate, as a matter of priority, a concrete agenda for a ceasefire, the withdrawal of the armed forces and the demilitarization of the Territory.

43. Ms. Einbinder withdrew.

44. At the invitation of the Chairman, Ms. Hoffman (Australians for a Free East Timor) took a place at the petitioners' table.

45. Ms. HOFFMAN (Australians for a Free East Timor) said that she represented a Darwin-based solidarity group concerned with the situation of the East Timorese people. Darwin's close proximity to East Timor gave the group an opportunity to monitor the situation there. For that purpose, it maintained good communications with the people of East Timor and undertook periodic visits. Ms. Rebecca Winters, an anthropology student and a member of the group, had visited East Timor in May 1996 to gather evidence at first hand to find out what the population really wanted, and had reported on her findings.

46. Speaking Bahasa Indonesia and Portuguese, she (Ms. Winters) had had hundreds of conversations with East Timorese farmers, students, businessmen, children, mothers, unemployed youths and labourers throughout the Territory. She had also spoken to Indonesian migrants living, for the most part, in Dili, Baucau, Los Palos and Maliana and in the surrounding areas which were relatively well supplied with water and electricity and connected by a good road. The interior mountain regions, however, were almost exclusively populated by East Timorese, many of them living in extreme poverty.

47. As it was taken for granted in East Timor that any person suspected of having sympathies with the anti-integration movement was immediately arrested, the East Timorese were very cautious about speaking to strangers. Most of the young people she met said that they had been arrested at least once and all those who had been imprisoned said that they had been beaten and tortured. Some of them had shown her the marks of injuries, for example scars on the face. Some of those spontaneous meetings had led to further meetings with leaders of the clandestine front. All agreed that a referendum under the auspices of a body such as the United Nations was essential if they were to vindicate their right to self-determination.

48. In travelling to cities and villages, coastal areas and mountain regions she had observed the state of housing, the different levels of poverty and the numbers of soldiers, military vehicles and military offices. She had frequently been questioned by soldiers and policemen as to the reasons for her visit to East Timor. When she was staying in towns, transmigrants and Timorese who spoke English had often approached her and had asked many questions on her reasons for travelling and on her plans. They had often ended their interrogation by telling her that the people of East Timor were happy with integration. She had noticed that such "Timorese" generally seemed well off and that their attitude was also very like that of the Indonesian soldiers she had come across. She had later been told that most people who spoke English fluently were probably working for the secret service.

49. In the mountainous areas, people had been more willing to speak to her about their situation, apparently because there were fewer spies and very few transmigrants in such areas. The village of Vikeke, where there was a very large military base opposite the central market, was patrolled by soldiers with machine-guns. Such a large number of soldiers in so small a village created an

oppressive atmosphere. In other villages close to Maliana she had been told that the situation was terrible, that there was often too little food, that water often had to be fetched from five or six kilometres away and that it was often bad and made people ill. The children showed clear signs of malnutrition and the mothers whom she questioned usually answered that they had had eight or nine children but that four or five of them had died at an early age. Tuberculosis was widespread. An East Timorese Catholic priest, whom she had asked why so many babies were dying and why there was so much illness had answered that the essential reason was not poverty but the fact that the population could not accept the Indonesian occupation.

50. She had been very surprised to find that in one remote village, without electricity, cars, or running water, people seemed not only to be familiar with the workings of the United Nations but also to be convinced that their future depended on the Organization and on the implementation of its resolutions. On all sides she had heard voices calling for independence.

51. According to the Java Post, the Chairman of the Special Committee, Mr. Samana, had stated after his recent visit to East Timor, that the progress made (in East Timor) showed that the situation was calm and that the presence of the armed forces was a very positive factor. However, it should not be thought that it was sufficient merely to travel to East Timor and to take part in visits carefully organized by generals, by Indonesian officials and by "Governor" Soares. Obviously, it was only by asking a representative sample of the population, or rather by listening to what was said, that one could hope to find out what were the true aspirations of the Timorese.

52. Ms. Hoffman withdrew.

53. At the invitation of the Chairman, Mr. Alkatiri (Secretary for External Affairs of the Frente Revolucionária de Timor Leste Independente (FRETILIN) took a place at the petitioners' table.

54. Mr. ALKATIRI noted that the Jakarta regime had been illegally occupying East Timor for the previous 20 years. Although the United Nations had promptly rejected that so-called "integration" of the Territory, no effective action had been taken and the people of East Timor had had to struggle alone against the occupation of their Territory. In two decades, more than 250,000 people had lost their lives at the hands of the Indonesian armed forces and neither the United Nations nor the international community had been able to restore law, peace and stability and to enable the East Timorese to freely exercise their right to self-determination and independence.

55. Behind that tragedy was Indonesia, which ignored the pertinent resolutions of the General Assembly and the Security Council, frustrated the efforts of the Secretary-General and defied world opinion. While the people of East Timor kept waiting on the United Nations and other international organizations to take action on their behalf, they were also aware of the need for greater reliance on the force which Indonesian democrats represented.

56. Despite changes in the world political situation, the difficult struggle of the East Timorese continued to show the international community that Indonesia

was a colonialist, expansionist and anti-democratic country which systematically violated human rights. Indonesia had forgotten that the Bandung Conference had symbolized the struggle of oppressed peoples and had resorted to the same arguments and methods which it had once denounced. But the spirit of Bandung should soon be rekindled, thanks to the struggle of the people of East Timor and to the pro-democracy movement that was developing in Indonesia, particularly among the young generation.

57. The United Nations, and particularly the Special Committee, must also play their role in the decolonization of East Timor. While the issue was a difficult one, one third of the East Timorese population had already been eliminated and it was time to put an end to the genocide. Indonesia could not pursue development at that price. East Timor was not a threat to Indonesia as that country would have others believe. Nor was it torn by religious conflicts. On the contrary, its people had always shown tolerance and a spirit of ecumenism, which had enabled them to remain united in the face of adversity.

58. Since 1982, when the General Assembly had adopted resolution 37/30, the situation in East Timor had hardly evolved, but the Jakarta regime had been encountering increasingly widespread resistance. Despite the talks between the Ministers for Foreign Affairs of Portugal and Indonesia, the promotion of the so-called "all-inclusive intra-East Timorese dialogue", and the measures taken to build confidence among the parties, there had been a notable lack of progress, since the Indonesian Government, which suffered from a permanent sense of insecurity, was fearful of the principles of democracy, self-determination and independence. The initiation of a dialogue among Indonesians would perhaps help the generals to conquer that fear. East Timor sought only the right to self-determination, peace and stability in the region and the United Nations must play an active role in helping it to achieve those objectives.

59. Mr. Alkatiri withdrew.

60. At the invitation of the Chairman, Mr. Creswell (Campaign for an Independent East Timor) took a place at the petitioners' table.

61. Mr. CRESWELL (Member of the Australian Coalition for a Free East Timor) noted that it was 20 years since East Timor had been occupied by the dictatorial Indonesian regime and the occupation had resulted in the deaths of more than a third of the East Timorese population and the commission of many sickening crimes against humanity.

62. It was time for the international community to genuinely translate into action the principles of peace, justice and democracy in East Timor. Amnesty International believed that the occupation of the Territory represented one of the worst cases of human rights violations now occurring in the world. The Jakarta regime was guilty of both genocide and racism. The United Nations should therefore take a number of measures if it was serious about bringing justice and peace to East Timor, West Papua and to Indonesia itself.

63. The peace process which had been begun must be accelerated. The process would be helped if Indonesia and other States, notably Australia, were more cooperative and if the key leaders of the National Council of Maubere Resistance

were allowed to play a role. Only thus would it be possible to put an end to the long nightmare of human rights violations.

64. An end must be put to the supply of arms and military equipment to Indonesia as well as to the training of and joint military and naval manoeuvres with the armed forces of that country. An international arms embargo would probably have the desired effect. The dispatch of a peacekeeping force to East Timor should also be envisaged and self-determination for the East Timorese, a fundamental human right, should be supported. Teams should also be sent to East Timor to provide assistance to the population. Even though some aid programmes were operating, there was need for a well planned programme of humanitarian assistance to address all needs. The possibility of establishing an international war crimes tribunal to investigate acts of genocide committed by key figures in the Indonesian military should also be examined. Numerous crimes had been committed, including massacres, of which the Santa Cruz massacre was one of the most notorious, the use of chemical defoliants, which was a cause of famine, torture, unpunished rape, forced contraception, mutilation, degrading acts and attempts to suppress local languages and traditions in favour of Javanese culture.

65. Mr. BAPTISTA (Indonesia), speaking on a point of order, said that the speaker was deviating from the subject under consideration.

66. Mr. Creswell withdrew.

67. Mr. FERREIRA, speaking on behalf of the five Portuguese-speaking countries of Africa (Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe), said that the countries on whose behalf he spoke were committed to the question of East Timor, whose population had fallen by one third following the Indonesian occupation in 1975. Human rights violations in the Territory had become a common occurrence and, even though the visit of the United Nations High Commissioner for Human Rights in 1995 was to be welcomed, much more remained to be done. The initiation of a dialogue among the East Timorese themselves was a positive development which reflected their mobilization and their political will to organize themselves and to adopt a common position against Portugal and Indonesia. All the representatives of the people of East Timor must be able to participate in the negotiations between those two countries under the auspices of the United Nations with a view to finding a just, comprehensive and internationally acceptable solution to the question of East Timor, in accordance with General Assembly resolution 37/30.

68. Those negotiations must proceed because the situation in the Territory could become yet another source of instability in Asia. The Portuguese-speaking countries hoped that the proposal submitted to Indonesia by Portugal at the Asia-Europe Meeting held in Thailand would enable progress to be made. They again called upon Indonesia to respect human rights and to act in accordance with the provisions of General Assembly resolution 50/39, particularly paragraphs 2, 7 and 8 thereof, which dealt with the questions of colonialism, self-determination and military bases, in order to find a solution to the question of East Timor.

69. Mr. SANTOS (Portugal) said that the Government of Portugal wished to renew its pledge of continuing cooperation with the Special Committee. Through its Permanent Representative to the United Nations, Portugal had already expressed its views on the unfolding of events in East Timor since the month of July 1995, in accordance with Article 73 of the Charter (see document A/51/187). He would therefore limit himself to drawing some conclusions and making some observations thereon.

70. The first conclusion was that the human rights situation in the Territory continued to be a cause of deep concern, as the Commission on Human Rights, of which Indonesia was a member, had recognized. Moreover, a member of the Indonesian Commission for Human Rights had been quoted by an Australian newspaper as himself recognizing that the human rights situation had never been as bad as it currently was.

71. The second conclusion was that violence had intensified during the period September to October 1995. The Amnesty International report of February 1996 stated that torture, ill-treatment, disappearances, extrajudicial executions and the detention of political prisoners were still common occurrences. East Timorese women were said to have been victims of rape, sexual abuse, unfair trial and imprisonment for peaceful expression of opposition to the Government.

72. The third conclusion was that the underlying causes of the eruption of violent incidents and episodes had not been removed: political rights and fundamental freedoms continued to be suppressed and religious tensions and the immigration of Indonesians into the Territory were putting in jeopardy the cultural, religious and social identity of East Timor. Its people felt marginalized and excluded from most jobs and from having even a minimum of say in the way in which the country was ruled.

73. Fourth, in spite of all the promises and announcements which had been made, Indonesia's military and security presence in East Timor remained vastly out of proportion to the level of guerrilla warfare being waged against the Indonesian forces of occupation, which was reportedly very low. The Indonesian military commander, quoted by United States Senator, Mr. Claiborne Pell, following his recent visit to the Territory, apparently said that 15,403 Indonesian troops were stationed in East Timor. According to Senator Pell, the presence of those armed, non-Timorese forces in East Timor caused immense friction and conflict. "The people of East Timor [felt] they [were] subjugated by a foreign army of occupation", he had added.

74. The final conclusion, which stemmed from all the others, was that in spite of minor but much heralded changes, Indonesia's approach to the question of East Timor continued to be based on security rather than political concerns. The Indonesian authorities continued to show their inability to break the vicious circle in which they were caught: the denial of elementary rights and freedoms, including the basic right to self-determination, led people to resist in different ways, and the heavy-handed military crackdown on all those opposed to the Indonesian regime, or who were suspected of being opposed, only sparked further resistance. Twenty years after the invasion and annexation of the Territory by Indonesia, the climate in East Timor seemed to be characterized by fear, distrust and intimidation.

75. Since 1992, after the massacres perpetrated at the Santa Cruz cemetery, the United Nations Commission on Human Rights had adopted a number of decisions and resolutions, including consensus statements which were supported by Indonesia as a member of the Commission and the result of negotiations in which Portugal had also played an active role. It could therefore be said that the two parties concurred with regard to those resolutions and decisions, which naturally raised expectations concerning their implementation. And yet, his delegation noted with regret that the Indonesian authorities were still far from meeting those expectations. Not only had the overall human rights situation not been satisfactorily redressed but also the most important provisions of the above-mentioned texts had not been implemented. The clarification requested concerning the circumstances surrounding the Dili incident had not been provided and those East Timorese who had been detained or convicted had not been speedily released. Requests by the Special Rapporteur on the question of torture and the Working Group on Arbitrary Detention to visit East Timor had met with a negative response by Indonesia, in violation of paragraph 7 of the consensus statement adopted by the Commission on Human Rights in 1995. Progress achieved in facilitating access to the Territory by human rights and humanitarian organizations was also insufficient. A thematic rapporteur would not be visiting East Timor in 1996 because Indonesia had refused to allow him to do so.

76. His delegation welcomed the visit made to East Timor by Mr. Ayala Lasso, the United Nations High Commissioner for Human Rights, on 6 December 1995, following which the Indonesian authorities agreed to consider, "inter alia" the assignment of a programme officer from the Centre for Human Rights to Jakarta, who was authorized to travel regularly to East Timor. That new development was reflected in the Commission's 1996 consensus statement on the situation in East Timor, but no further steps had been taken to translate it into reality. His delegation appealed to the Indonesian Government to honour the commitment made before the Commission on Human Rights.

77. It was against that discouraging background that the dialogue on the question of East Timor was proceeding under the auspices of the Secretary-General and that the Minister for Foreign Affairs of Portugal and the Minister for Foreign Affairs of Indonesia had met in London on 16 January and in Geneva on 27 June 1996. There was still a huge gap to bridge between the positions of the two countries. For that reason, Portugal strongly favoured the adoption and implementation of effective confidence-building measures, such as those mentioned in the communiqués issued following the different rounds of talks organized on the initiative of the Secretary-General. Portugal believed that that approach, aimed at establishing a framework for the solution of the problem, must be accompanied by effective and genuine progress on various issues which had not yet been completely identified. The preservation and promotion of the cultural identity of the East Timorese and bilateral relations between Indonesia and Portugal constituted a very useful beginning but they were not sufficient.

78. In that spirit, the Prime Minister of Portugal had submitted to President Soeharto, during the Asia-Europe Meeting (ASEM) held in Bangkok, a proposal whereby Portugal would be prepared to open, in both Lisbon and Jakarta, sections in the Embassies of friendly countries. In exchange, the Indonesian party must release the East Timorese resistance leader, "Xanana" Gusmão, and his

followers and guarantee respect for human rights in East Timor under United Nations monitoring. The Minister for Foreign Affairs of Portugal had also made it known to his Indonesian counterpart, Mr. Ali Alatas, that he wished to travel to Jakarta in order to meet Mr. Gusmão, who was imprisoned at Cipinang, under terms of reference to be agreed upon. His delegation was disappointed that those proposals had been rejected on various grounds.

79. On the positive side, his delegation wished to stress that it had been possible to include the East Timorese in the current dialogue. In its view, the involvement of representatives of different political movements and quarters was crucial to the success of the process. Those representatives agreed on subjects of paramount importance to their people, such as the preservation of the East Timorese identity, the human rights situation, the promotion of peace and their willingness to participate effectively in managing the Territory's affairs. The all-inclusive East Timorese dialogue must continue with the assistance of the United Nations and its participants must be able to express themselves freely on all areas in which they could make an "important contribution".

80. During the second meeting organized as part of that dialogue, the participants agreed to request the establishment of an East Timorese cultural centre in Dili, and to request Portugal to assist in East Timor's human resources development. The Portuguese authorities were prepared to engage in consultations with their Indonesian counterparts on ways and means of implementing the proposals. Despite existing obstacles and the modest results obtained thus far, Portugal believed that the dialogue must continue under the auspices of the Secretary-General and with the participation of the East Timorese. It reaffirmed its strong determination to contribute to its success. The Portuguese policy towards East Timor was guided by the unwavering objective of concluding the decolonization process of the Non-Self-Governing Territory, on the basis of self-determination, respect for human rights and democracy.

81. In conclusion, he drew the Committee's attention to two very significant positions adopted on the question of East Timor: the common position of the 15 States members of the European Union, adopted on 25 June 1996, embraced by 14 other countries and the final communiqué of the summit meeting during which the Community of the Portuguese-speaking Countries (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe) had been established on 17 July. In those statements, the above-mentioned countries expressed their support for a settlement of the question of East Timor that respected the legitimate rights and interests of its people and, in particular, for the efforts of by the Secretary-General in that context.

The meeting rose at 1.05 p.m.